

**MEDICAL LICENSING BOARD OF INDIANA  
INDIANA GOVERNMENT CENTER SOUTH  
402 WEST WASHINGTON STREET  
ROOM W064  
INDIANAPOLIS, INDIANA 46204**

**MINUTES OF JANUARY 28, 2010**

Stephen Huddleston, J.D., President called the meeting to order at 9:35 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer  
Member, President  
Robert Allen, M.D.  
Bharat Barai, M.D.  
Worthe Holt, Jr., M.D.  
Thomas Akre, D.O., Secretary  
Donald Vennekotter, M.D.

Members Absent: Lynda Smirz, M.D.

Staff Present: Kristen Kelley, Board Director  
Professional Licensing Agency  
Jody Edens, Assistant Board Director  
Professional Licensing Agency  
James Schmidt, Deputy Attorney General  
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,  
Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Barai/Allen, 5/0/0  
Motion carries

The Board voted to adopt the minutes of the December 3, 2009 meeting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,  
Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Allen/Barai, 5/0/0  
Motion carries

## **ADMINISTRATIVE HEARINGS**

The following hearing was continued:

**Kara Benson-Rink, M.D., License No. 01051607A, Cause No. 2009 MLB 0035**

**Christopher Scott Nelson, M.D., License No. 01050912A, Cause No. 2009 MLB 0045**

Respondent did appear in person and was represented by counsel Robert Saint regarding a Petition for Modification of Probation scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

Dr. Nelson is requesting to modify his probationary order as follows:

- Paragraph 3(d) states "he shall work in a corrections employment setting and his employment agreement must be approved by the Board through its designee, Board member Dr. Worthe Holt."
- He is requesting to have it amended as follows: "Any change in Dr. Nelson's employment, occupation or duties as described by Dr. Michael Mitcheff at the December 3, 2009 hearing, must be approved by the Board."

All other terms and conditions imposed in his Order reinstating license on probation are unchanged and therefore remain in full force and effect.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Dr. Nelson's request for modification of his Order of Probation.

Barai/Allen, 6/0/0  
Motion carries

**Philip Delano Foley, M.D., License No. 01019413A, Cause No. 2009 MLB 0031**

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Terry Richmond, Deputy Attorney General and Michael Minglin, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Barai/Holt, 6/0/0  
Motion carries

**Beverley J. P. Edwards, M.D., License No. 01026336A, Cause No. 2009 MLB 0024**

Respondent did appear in person and was represented by counsel Gregory Thomas regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Bharat Barai, M.D.

A settlement agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board. The settlement agreement included SUMMARY SUSPENSION until her final disciplinary hearing next month.

The Board ordered that there will be no further continuances of this matter and that the final disciplinary hearing will be held on February 25, 2010.

After reviewing the settlement agreement and taking its file into consideration, the Board moved to ACCEPT the Settlement Agreement to place her license on Summary Suspension.

Akre/Vennekotter, 6/0/0  
Motion carries

**Buddy Pastrano Lopez, M.D., License No. 01062902A, Cause No. 2009 MLB 0034**

Respondent did appear in person and was represented by counsel John Ittenbach regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney

General and the court reporter sworn in for this matter is Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Donald Vennekotter, M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION with the following terms and conditions:

- Must comply with his Kentucky order
- Must comply with the Kentucky Physician's Health Program
- Must notify the Board and ISMA of his intent to practice in Indiana.

After reviewing the agreement and taking its file into consideration the Board moved to ACCEPT the Settlement Agreement.

Holt/Akre, 5/0/0  
Motion carries

**Lesley Scholl, M.D., License No. 01037897A, Cause No. 2009 MLB 0002**

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D.

Notice was mailed to the last known address.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

Holt/Vennekotter, 5/0/0  
Motion carries

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

Dr. Scholl was arrested after he set in place a murder for hire of his wife, her divorce attorney and his former business partner. The person he hired for the murders turned evidence over to the authorities.

On July 8, 2009, the Respondent pleaded guilty to count one (1) in the United States District Court Northern District of Indiana. Accordingly, the court has adjudicated that the defendant is guilty of the following offense:

- Count 1 Illegal Possession of a Machine Gun

On July 8, 2009, the Respondent pleaded guilty to count two (2) in the United States District Court Northern District of Indiana. Accordingly, the court has adjudicated that the defendant is guilty of the following offense:

- Count 2 Illegal Transfer of a Silencer

On October 9, 2009, Dr. Scholl was sentenced to 180 months in a Federal Prison.

After further discussion, the Board found that the Respondent violated the practice act as documented in count 1 of the Complaint.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE Dr. Scholl's license.

Barai/Akre, 5/0/0  
Motion carries

**Ravi K. Velisetti, M.D., License No. 01030498A, Cause No. 2009 MLB 0030**

Respondent did appear in person and was represented by counsel Mary Watts regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION with the following terms and conditions:

- Must comply with his Florida order
- Must report to us within 24 hours of any non-compliance with his Florida order
- Must report any other board actions
- Must have his Florida license reinstated fully prior to applying for withdrawal of his Indiana probation.
- Must petition the Board prior to practicing in Indiana

After having reviewed the settlement agreement and taking its file into consideration the Board moved to ACCEPT the settlement agreement.

Allen/Holt, 6/0/0  
Motion carries

**Igwebuike Onyekaba, M.D., License No. 01045490A, Cause No. 2009 MLB 0007**

Respondent did appear in person and was represented by counsel Barclay Wong regarding a Settlement Agreement scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND and the following term and condition:

- Must send us proof of completion of the required continuing education ordered by the State of Georgia.

After reviewing the agreement and taking its file into consideration the Board moved to ACCEPT the settlement agreement.

Akre/Holt, 6/0/0  
Motion carries

**PERSONAL APPEARANCES**

**INITIAL/RENEWAL APPLICANTS**

The following did not appear for their scheduled personal appearance:

**Faidherbe Ceus, M.D., Initial application**

The following appeared before the full Board for their scheduled personal appearances and were sworn in under oath.

**Peter Coleman, M.D.** – Dr. Coleman appeared before the Board regarding positive responses on his initial application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

Dr. Coleman informed the Board that his sobriety date is 1984. He was treated for a chemical dependency problem back in 1984.

In 2008, an investigation was done by the Virginia Board following a patient complaint. After completing their investigation they found five (5) minor deficiencies which consisted of:

- Failing to store controlled injectable meds in a locked fridge or locked cabinet
- Failing to complete a biennial medication count for controlled substances
- Obtaining compounded medications from a non-resident pharmacy that was not licensed in Virginia
- Failing to keep accurate records of the administration of Schedule IV meds
- Keeping patient specific (unused) medications in the office

The deficiencies were all immediately corrected. He then signed a confidential consent agreement with the Virginia Board on December 11, 2008 and the case was closed without any disciplinary action.

He is board certified in family medicine.

After discussion the Board moved to GRANT Dr. Coleman's application for licensure.

Holt/Barai, 5/0/0  
Motion carries

**Alok Gupta, M.D.** – Dr. Gupta appeared before the Board regarding positive responses on his initial application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

Dr. Gupta was placed on probation by his residency program for issues with professionalism and communication. They also required that he seek counseling for anger management.

Dr. Gupta has been offered a vascular surgery fellowship with Indiana University School of Medicine.

After discussion the Board moved to GRANT Dr. Gupta's application for licensure, pending the receipt, review and approval of the following:

- Report from his psychiatrist
- Addictionology evaluation by a Board approved addictionologist.

The reports will be given to Dr. Allen for review and upon his approval the license will then be issued.

Akre/Barai, 6/0/0  
Motion carries

**David Nebbeling, D.O.** – Dr. Nebbeling appeared before the Board regarding positive responses on his initial application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

In 1991, Dr. Nebbeling pleaded guilty to one (1) count of solicitation and one (1) count of delivery of a controlled substance. He was given a suspended sentence and three (3) years probation.

Based upon his guilty plea, the Iowa Board entered into a settlement with Dr. Nebbeling where he voluntarily surrendered his license and closed his office.

In 1993, Dr. Nebbeling's Iowa license was reinstated on probation for a period of five (5) years.

In 1997, the State Board of Iowa terminated Dr. Nebbeling's probation and reinstated his license fully.

He currently has an active license in Iowa and Michigan. He is also board eligible.

After discussion the Board moved to GRANT Dr. Nebbeling's application for licensure.

Akre/Huddleston, 5/0/1, with Dr. Barai abstaining  
Motion carries

**Johnny Trotter, M.D.** – Dr. Trotter appeared before the Board regarding a waiver of the USMLE 3 attempts rule and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.



844 IAC 4-4.5-12(1) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE. Therefore, upon the third seating of each step of the examination, the applicant must obtain a passing score."

Dr. Trotter passed the USMLE step 2 on his fifth (5<sup>th</sup>) attempt.

Dr. Trotter did not submit evidence that the Board felt met the exceptional circumstances requirement for a waiver. Therefore, the Board gave Dr. Trotter the opportunity to withdraw his application.

In his presentation of exceptional circumstances, Dr. Trotter indicated that he would be working with XYTOS sensitizing agent XyCholor and that the Medical Board of Indiana had approved its use. The Board would like to have on record that they did not approve this treatment. At the time XYTOS requested approval the Board did not comment on the approval of the treatment they only indicated that the facility should seek appropriate accreditation.

Dr. Trotter requested to withdraw his application for licensure.

After discussion the Board moved to APPROVE Dr. Trotter to WITHDRAW his application for licensure.

CONSENSUS  
Motion carries

### **PRESENTATION BY KSTAR**

Josie R. Williams, M.D., MMM gave a presentation to the Board on KSTAR – Texas A & M physician assessment program.

KSTAR is a program designed for the physician that needs an assessment program to demonstrate their knowledge base and clinical skills.

The program has an affiliation with John Peter Smith Health Network where training often referred to as a "mini-residency" can be provided. The program also offers any needed ongoing monitoring, which can be provided through the Institute's physician peer review program.

The Board thanked Dr. Williams for her presentation.

### **DISCUSSION**

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

Request for a Waiver of Office Based Sedation Requirements from Dr. Julian Unger: The Board reviewed the Office Based procedure rules and they do not have the authority to waive the requirements for accreditation.

Godwin Uwidia, M.D., License No. 01036754A – Request for retirement status: Dr. Uwidia has requested that his license be placed on retirement status due to health issues. The Board approved Dr. Uwidia's request to have his license placed on retirement status.

CONSENSUS  
Motion carries

FEDERATION OF STATE MEDICAL BOARDS ANNUAL MEETING: FSMB's annual meeting will be held in Chicago this year. The Board elected Dr. Barai to attend on their behalf.

CONSENSUS  
Motion carries

Presentation by Indiana State Medical Association: Michael Rinebold, Director of Government Relations addressed the Board. Mr. Rinebold submitted a copy of ISMA resolution 09-07 "Post-Surgical Care Responsibilities" to the Board for review. ISMA recommends that the Medical Licensing Board of Indiana promulgate a rule that states the following:

**Post-Surgical Care Responsibilities**

After performing surgery, a physician shall continue care of their surgical patient through the post surgical recovery and healing period either by providing the care directly, delegating the care to a person of equivalent licensure and appropriate training, or coordinating with another person of equivalent licensure and appropriate training who agrees to assume responsibility for managing the patient's post-surgical care. For purposes of this rule, "post-surgical recovery and healing period" shall be equivalent to the applicable Medicare postoperative global period for that surgical procedure." This is a suggested start for a rule regarding this matter.

This resolution resulted from a previous discussion before the Board in December 2008. The discussion was centered on the responsibilities of a physician after performing surgery. Representatives from Allen County informed the Board of a proposed ordinance in Allen County that would seek to provide additional patient safety by placing additional requirements upon physicians performing invasive procedures within the county. Physicians are coming into the county performing procedures and leaving without a physician to cover complications.

After discussion the Board moved to TABLE this matter for further discussion and requested that Mr. Rinebold put together a list of stake holders and their thoughts on this subject for the Board to review.

Barai/Holt, 6/0/0  
Motion carries

#### **2010 Election of Officers:**

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Robert Allen, M.D.

Election Results:

- Stephen Huddleston, J.D., President
- Bharat Barai, M.D., Vice-President
- Donald Vennekotter, M.D., Secretary

CONSENSUS

#### **REVIEW OF INITIAL/RENEWAL APPLICATIONS**

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

The Board reviewed the positive response information on the following applicants and requested a personal appearance: Allen/Barai, 5/0/0 Motion carries

Robert Ueda, M.D.

Robert Valentine, M.D.

#### **PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS**

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Vennekotter/Akre, 5/0/0 motion carries

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

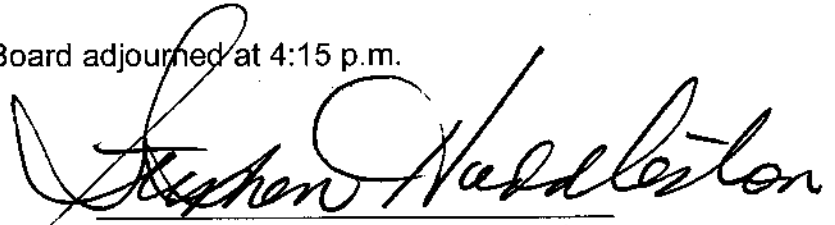
Nicole Antao, 10001023A  
Christopher Belschner, 10001049A  
Leslie Briggs, 10001148A  
Nevsa Conover, 10000898A  
Timothy Held, 10001048A  
Courtney Keller, 10000776A

Drew Apple, 10000980A  
Katherine Boone, 10001000A  
Andrew Burns, 10001050A  
Lennea Coombs, Initial app  
Dennis Isenhower, Initial app  
Cheryl Kiel, 10001059A

Jason Montgomery, 1000879A  
Holly Pilewski, 10001032A  
Tammy Crace, 10001016A

Eric Potts, Initial app  
Angela Wright, 10001017A  
Lisa Nollenberger, 10000915A

There being no further business the Board adjourned at 4:15 p.m.



Stephen Huddleston, J.D., President

Donald Vennekotter, M.D., Secretary